



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,056	03/05/2001	Yutaka Sato	7217/64048	3522

7590 08/22/2005

COOPER & DUNHAM LLP  
1185 Avenue of the Americas  
New York, NY 10036

EXAMINER
----------

FIGUEROA, FELIX O

ART UNIT	PAPER NUMBER
----------	--------------

2833

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/800,056	<b>Applicant(s)</b> SATO ET AL.	
	<b>Examiner</b> Felix O. Figueroa	<b>Art Unit</b> 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5, 12 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5, 12 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gefvert (US 5,850,457) in view of Ruzicka (US 6,118,876), Lee (US 5,589,718), Siems et al. (US 5,470,253) and Glover (3,824,524).

Gefvert discloses a multi-channel audio system comprising an electronic apparatus (100) provided on a back panel with at least four audio signal output terminals (see Fig.8B) for a plurality of channels; a plurality of speakers (102,104,106,108); and a plurality of connecting cable members (see Fig.8B), each incorporating a pair of conductor members bearing a pair of polarities and sheathed by one of a plurality of insulating sheathing members, each of the audio signal output terminals being arranged corresponding to positions of the plurality of speakers, the speakers being arranged corresponding to the plurality of channels.

Gefvert discloses substantially the claimed invention except for the plurality of colors on the signal output terminals. Ruzicka discloses (in col.7 lines 28-33) the use of an audio system having audio signal output terminals being distinguished by one of a plurality of colored labels for enabling the plurality of channels to be discernible; a plurality of connecting cable members distinguished by one of the plurality of colors

Art Unit: 2833

corresponding to a color distribution of the audio signal output terminals; and the speakers being distinguished by corresponding colors to facilitate installation process. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the terminals and cable members of Gefvert with a plurality of colors, as taught by Ruzicka, to facilitate installation process.

Gefvert, as modified by Ruzicka, discloses substantially the claimed invention except for the colored mark displayed surrounding the output terminal. Lee ('718) teaches the use of colored indicia, as a colored mark surrounding a respective output terminal (col.2 lines 26-30). This feature ensures a clear view of the colored mark on the output terminal. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the colored mark surrounding the output terminals, as taught by Lee, to ensure a clear view of the mark.

Gefvert, as modified by Ruzicka, discloses substantially the claimed invention except for the use of contractile tubes. Siems teaches the use of thermally contractile tubes of different colors (col.3. lines 14-18) secured to cable members to facilitate installation and connection. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use thermally contractile tubes of different colors secure to cable members, as taught by Siems, to facilitate installation and connection.

Gefvert, as modified, discloses substantially the claimed invention except for the connector structure of the cable. Glover discloses a connector using a connecting cable member (5) having two conductor portions having a pair of polarities and an insulating

Art Unit: 2833

sheathing member, one end of the connecting cable member conforming to a structure of a plug connector (1) incorporating two conductor members (27) connected to the two conductor portions; a socket connector (3) coupled with the plug connector and provided in one of a first or second apparatus, the socket connector being provided with a pair of connecting pins (35) bearing the pair of polarities; and position controlling means (see Fig.7); the plug connector being provided with a pair of coupling holes (27); and position controlling means coupling portion (see Fig.6) to ensure correct connection. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a connector structure, as taught by Glover, to ensure correct connection.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gefvert, Ruzicka, Lee ('718), Siems, Glover and further in view of and Lee (US 5,984,717).

Glover discloses substantially the claimed invention except for plug connectors at both ends of the cable. Lee ('717) teaches a connector comprising a cable (22) having plug connectors at both ends to provide uniformity and facilitate the connection process. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a plug connector at both ends of the cable member of Glover, as taught by Lee, to provide uniformity and facilitate the connection process.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruzicka in view Lee ('718), Siems et al. and Glover.

Ruzicka discloses (in col.7 lines 28-33) a multi-channel audio system comprising an electronic apparatus with a plurality of audio signal output terminals mounted on a

Art Unit: 2833

rear panel; a plurality of speakers; a plurality of connecting cable members, the plurality of connecting cable members provided with a specific color corresponding to the colored label provided on the plurality of audio signal output terminals. Ruzicka also discloses each of the plurality of speaker terminals being distinguished with a specific color in correspondence with the colors of the plurality of audio signal output terminals.

Ruzicka discloses substantially the claimed invention except for the colored mark displayed surrounding the output terminal. Lee teaches the use of colored indicia, as a colored mark surrounding a respective output terminal (col.2 lines 26-30). This feature ensures a clear view of the colored mark on the output terminal. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the colored mark surrounding the output terminals, as taught by Lee, to ensure a clear view of the mark.

Ruzicka discloses substantially the claimed invention except for the use of contractile tubes. Siems teaches the use of thermally contractile tubes of different colors secure to cable members to facilitate installation and connection. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use thermally contractile tubes of different colors secure to cable members, as taught by Siems, to facilitate installation and connection.

Ruzicka, as modified, discloses substantially the claimed invention except for the connector structure of the cable members. Glover discloses a connector structure on a cable (see discussion of Glover regarding claim 5) to ensure correct connection. Therefore, it would have been obvious to a person of ordinary skill in the art at the time

Art Unit: 2833

the invention was made to use a connector structure, as taught by Glover, to ensure correct connection.

Ruzicka discloses the use of labels (col. 7 line 31). It appears that the use of label, as defined by *The American Heritage® Dictionary of the English Language, Fourth Edition* as "An item used to identify something or someone, as a small piece of paper or cloth attached to an article", includes the use of sheets. Nonetheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the distinguishing colors by one of different known methods, such as using colored labels and/or sheets in order to provide easy identification.

### ***Response to Arguments***

Applicant's arguments filed June 13, 2005 have been fully considered but they are not persuasive.

In response to Applicant's arguments that Ruzicka does not teaches the use of colors for enabling channels to be discernible, please note that Ruzicka discloses (in the Background of the Invention, col.7 lines 28-33) the use of color-coding to of the connections at the speaker and the audio signal source as well as adding labeling to the jacks.

In response to applicant's arguments that Lee ('718) does not correspond to cable members displaying a color mark designating the channel and surrounding the output signal (i.e. against the reference individually), it is noted that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA

Art Unit: 2833

1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Lee ('718) teaches the use of colored indicia, as a colored mark surrounding a respective output terminal (col.2 lines 26-30, thus ensuring a clear view of the colored mark on the output terminal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the colored mark surrounding the output terminals, as taught by Lee, to ensure a clear view of the mark.

Additionally, please note that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, Ruzicka discloses the use of colors to identify the plurality of channels and cables.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



Art Unit: 2833


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (571) 272-2003. The examiner can normally be reached on Mon.-Fri., 10:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 Ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ffr



THO D. TA  
PRIMARY EXAMINER